

- J. Describe how the State will take advantage of the flexibility provisions in WIA for waivers and the option to obtain approval as a workflex State pursuant to §189(i) and §192.

KENTUCKY WAIVER REQUESTS For Program Year 2005 and 2006

1. Request continuance of previously approved waivers:
 - A. Waive 20 CFR 664.510 to permit the use of ITA for older youth participants
 - a) Statutory or Regulatory Requirement to be waived: 20 CFR 664.510
 - b) Justification/Goals: To increase efficiency and customer choice for older youth. One-stop operators would have a full array of services to offer older youth that can benefit from these services without having to register in both youth and adult programs. Enhance efficiency and ease in tracking of funds for each funding stream. Using the ITA/ETPL process with older youth offers case managers the opportunity to discuss the process of decision-making (training provider, finances, etc.) and the results that ensue.
 - c) State or Local Statutory or Regulatory Barriers: There is no state or local statutory or regulatory barrier.
 - d) Individuals impacted by the waiver: enhance services to older youth
 - B. Waive the Title I 20 percent transfer authority at WIA Section 133 (b)(4) between adult and dislocated workers to allow transfer of up to 100 percent of a program year allocation between the Adult and Dislocated Worker programs to eliminate the limitation of transferring WIA Funds between Adult and Dislocated Worker programs.
 - a) Statutory or Regulatory Requirement to be waived: Section 133(b)(4) and 20 CFR 667.140
 - b) Justification/Goals: To increase flexibility for local areas in allocating and expending adult and dislocated worker funds. Such flexibility will enable local workforce investment areas to better serve the needs of their customers and will heighten their ability to respond to changes in the local labor market. This increased flexibility will also allow greater responsiveness to deal with massive worker dislocations.
 - c) State or Local Statutory or Regulatory Barriers: There is no state or local statutory or regulatory barrier.
 - d) Individuals impacted by the waiver: better meet the needs of dislocated workers and adults
 - C. Waive Subsequent Eligible Training Provider (EDP) requirements, 18-month subsequent eligibility requirement.
 - a) Statutory or Regulatory Requirement to be waived: WIA Section 122(c)(5) and 20 CFR 663.530
 - b) Justification/Goals: To allow WIA customers to continue to choose their training providers and access training services in their local areas with the highest degree of informed customer choice possible, while

- the performance data issues in Subsequent Eligibility are being addressed. Provide time to offer technical assistance to training providers that are trying to comply with the data collection requirements.
- c) State or Local Statutory of Regulatory Barriers: There is no state or local statutory or regulatory barrier.
 - d) Individuals impacted by the waiver: all WIA customers to enhance their training services
2. Request waiver of federal percentage expenditure mandates on out-of-school and in-school youth allowing for state local decision on funding needs.
- a) Statutory or Regulatory Requirements to be Waived: WIA Section 129(c)(4)(A); 20 CFR 664.320, 667.160
 - b) Justification/Goals: allows local workforce investment areas to appropriately determine the need for WIA authorized services for out-of-school and in-school youth and not to be limited by the federal mandate. Provides local workforce investment areas with greater flexibility for responding to changes in their local youth populations as well as ensuring that WIA funds allocated to each local area are being expended in a manner to maximize youth services.
 - c) State or Local Statutory of Regulatory Barriers: There is no state or local statutory or regulatory barrier.
 - d) Individuals impacted by the waiver: both in school and out of school youth.
3. Allow up to 10 percent of local adult and dislocated worker funds as described by WIA Section 133 (b)(2) to be expended on incumbent worker training activities pursuant to the rules adherent to statewide activities described by WIA Section 134 (a) (3). Additionally, Kentucky requests necessary waiver approval to allow up to 20 percent of its state-level rapid response funds as described by WIA Section 133 (a) (2) to be shifted to local workforce investment areas for the purpose of providing incumbent worker training as part of the state's incumbent worker initiative.
- a) Statutory or Regulatory Requirements to be Waived: Should the above request related to incumbent worker training funds be deemed to be not in accord with any provision of WIA Section 134 or WIA federal regulations at 20 CFR 667.160, 663 or 665, Kentucky requests waiver of the federal regulations
 - b) Justification/Goals: Promotes maximum investment of these limited funds as well as increases levels of service, focuses on employer and workers competitiveness through skills upgrade training therefore strengthening regional economies, promotes flexibility of local workforce investment areas to further expand incumbent worker activities.
 - c) State or Local Statutory of Regulatory Barriers: There is no state or local statutory or regulatory barrier.
 - d) Individuals impacted by the waiver: all WIA customers

4. Request a waiver from being required to meet the dislocated worker performance measures negotiated for PY 05 and PY 06 as result of integrating the Trade program and the WIA Dislocated Worker program; maintaining eligibility of incentive awards. Measures will be tracked and reported to obtain base line data for future negotiations.
 - a) Statutory or Regulatory Requirements to be Waived: WIA Section 136(b)(3)(a)(iii)
 - b) Justification/Goals: Kentucky has had significant Trade activity and it has aggressively moved to co-enroll Trade clients in WIA. Kentucky has transferred the training and case management component to the local WIA level. Local workforce investment areas have assumed the responsibility of the design of training strategies along with the customer.
 - c) State or Local Statutory or Regulatory Barriers: There is no state or local statutory or regulatory barrier.
 - d) Individuals impacted by the waiver: dislocated workers

VI. Describe major State policies and requirements that have been established to direct and support the development of a Statewide workforce investment system not described elsewhere in this Plan as outlined below. (§112(b)(2).)

- A. What State policies and systems are in place to support common data collection and reporting processes, information management, integrated service delivery, and performance management? (§§111(d)(2) and 112(b)(8)(B).)

Kentucky maintains membership in America's One-Stop Operating System (AOSOS) Consortium. Through an established Common Measures workgroup, the consortium is developing the systems to support common data collection and reporting processes. The Commonwealth utilizes the Employ Kentucky Operating System (EKOS)-- the Commonwealth's version of AOSOS, as the primary information system for performance and reporting.

Kentucky has been very aggressive in identifying those agencies that fall under the Common Measures mandate and a concerted effort has been made to develop partnerships and promote the use of EKOS. Having as many of the agencies that are impacted by Common Measures using the same integrated data system will allow Kentucky to coordinate service tracking more efficiently and allow programs to share accountability for performance reporting.

Kentucky continues to move forward in the collection of common data and integrated service delivery through the Kentucky Database Repository Project. The project is a multi-phased approach that leverages resources and enhances existing technology to address the common collection, storage and sharing needs for testing, certification, and licensure data. The repository will function as a database that updates EKOS registrants' data and resumes to include their most recent testing and certification status.